

COMMONWEALTH OF KENTUCKY

## **ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY**

ANTHONY M. WILHOIT

Court of Appeals

403 WAPPING STREET FRANKFORT, KENTUCKY 40601

THOMAS J. KNOPF District Court

JOSEPH H. ECKERT Circuit Court B. M. WESTBERRY, CHAIRMAN
Attorney

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JUDICIAL ETHICS OPINION JE-58

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QUESTION #1:

May the master commissioner of a circuit court whose function is limited to conducting sale of property pursuant to circuit court judgment hold office in a political party or be a candidate for election to public office in the primary election of a political party or as the nominee of a political party in a general election?

QUESTION #2:

May the domestic relations commissioner of a circuit court hold office in a political party or be a candidate for election to public office in the primary election of a political party or as the nominee of a political party in a general election?

ANSWER TO
QUESTION #1 AND
QUESTION #2:

No.

REFERENCES:

The Compliance Section of the Code of Judicial Ethics.

The Compliance Section of the Code of Judicial Ethics states:

"Anyone, whether or not a lawyer, who is an officer of a judicial system performing judicial functions, including an officer such as a referee in bankruptcy, special master, court commissioner, or magistrate, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

- A. Part-time judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:
  - (1) Is not required to comply with Canon 5C(2), (3), D., D., F. and G.

Canon 5 covers financial conduct and responsibilities. Canon 7, however, covers political conduct. Canon 7(A)(1)(a) provides:

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"A judge or a candidate for election to judicial office should not:

Act as a leader or hold any office in a political organization."

For these reasons neither a master commissioner nor a domestic relations commissioner may hold office in a political party or compete in a partisan election whether primary or general.

Sincerely,

B. M. Westberry

Chairman

Judicial Ethics Committee